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EXAMINER

GARCIA, ERNESTO

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3679

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,804

Applicant(s)

BENSUSSAN, BERNARD LEON

Examiner

Ernesto Garcia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 and 21 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Restrictions

Applicant's election with traverse of claims 8-14 in the reply filed on 5/23/05 is acknowledged. The traversal is on the ground(s) that searching and examining the subject matter of Group III along with elected Group III does not place a serious burden on the examiner. This is not found persuasive because applicant has failed to show that a coextensive search is a reason for not requiring a restriction requirement. Furthermore, applicant has failed to show that "search" is the only criteria that goes into determining the existence of a "serious burden". Accordingly, to have to examine two or more patentably distinct inventions of different scope in the same application, including consideration of individual arguments for each invention would impart a serious burden upon the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 14-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/23/05.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10" has been used to designate both a connecting member with a first configuration of the housing (Fig. 1) and a connecting member with another configuration of the housing 15 (Fig. 2).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "28" has been used to designate both a first end with one configuration (Fig. 1) and a first end with another configuration (Fig. 2).

The drawings are objected to because it unclear what the line at the second end 30 of the connecting member represents. Note, this line is not shown in Figure 2. Further, it is unclear what feature is depicted by dimension 60 in Figure 2. Is it the flange as indicated in Fig. 5. Further, the lower retaining rim where dimension 60 appears is drawn out incorrectly. Notice the two edges cross on the upper right side. Reference character "18" in Figure 3 should be --16--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 14, 18, and 22 are objected to because of the following informalities:
regarding claim 14, --a-- needs to be inserted after "through" in line 4;
regarding claim 18, "depressibly" in line 5 should be --depressible--; and,
regarding claim 22, "second" in line 1 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, the metes and bounds of the claim is unclear. In particular, the use of the limitations "a second opening" in line 3, "a second locking member", "a second tab" and "a second button" in line 4 makes unclear whether a first opening, a first locking member, a second tab, and a second button is required. The claim cannot have a "second" feature without a "first" feature.

Regarding claim 9, there is an inconsistency between the language in the preamble and a certain portion in the body of the claim, thereby making the scope of the claims unclear. The preamble clearly indicated that the connecting member is "for releasably connecting a first part to a second part". However, the body of the claim positively recites "the first part or the second part", e.g., "said housing forms a part of the first part or the second part" (lines 1-2), which indicates the claims as being drawn to a combination of the "connecting member" and "the first part or the second part". Therefore, applicant must clarify what the claims are intended to be drawn to, i.e., either the "connecting member" alone or in combination with the "the first part or the second part", and present the claims with the language which is consistent with the invention.

Regarding claims 10-14, the claims depend from claim 8 and therefore are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones, 4,829,857.

Regarding claim 8, Jones discloses, in Figure 3, a connecting member comprising a housing **10** and a second locking member **28**. The housing has a second opening **24**. The second locking member **28** has a second tab **40** and a second button **38**. The second locking member **28** is on the housing **10** such that the second locking member **3** biases the second tab **40** through the second opening **24**.

Applicant is reminded that the second tab is releasably able to be connected to a second part. The second locking member **28** is configured such that pressure on the second button moves the second tab from the second part.

Regarding claim 9, the housing **10** forms part of a first part.

Claims 8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipate by Lisowski, 5,937,473.

Regarding claim 8, Lisowski discloses, in Figure 14, a connecting member comprising a housing **50** and a second locking member (best shown by reference character **62**). The housing **50** has a second opening (the opening allows 62 to pass through). The second locking member has a second tab **62** and a second button (next to feature 62). The second locking member is on the housing **50** such that the second locking member biases the second tab **62** through the second opening.

Applicant is reminded that the second tab is releasably able to be connected to a second part. The second locking member is configured such that pressure on the second button moves the second tab from the second part.

Regarding claim 14, the connecting member further comprises a first locking member (at 66) having a first tab (at 78) and a first button (next to 78). The first locking member is in the housing such that the first locking member biases the first tab through a first opening 78 and the first button through a third opening (at 66).

Applicant is reminded that the first tab is releasably able to connect to a first part when the locking member biases the first tab through the first opening, and the first button remains uncovered by the first part when the first part is releasably connected to the first tab.

Claims 8, 11, 12, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor, 6,254,305.

Regarding claim 21, Taylor discloses, in Figures 1 and 2, a connecting member comprising a housing **50**, and a second locking member **54**. The housing **50** has a second opening **126**. The locking member **54** has a second tab **56** and a second button **52**. The second locking member being on the housing **50** such that the second locking member biases the second tab **56** through the second opening **126**.

Applicant is reminded that the second tab is releasably able to be connected to a second part. The second locking member is configured such that pressure on the second button moves the second tab from the second part.

Regarding claim 11, the connecting member further comprises a first retaining rim **122** on the housing **50**.

Regarding claim 12, the connecting member further comprises a second rim **124** on the housing **50**.

Regarding claim 21, Taylor discloses, in Figures 1 and 2, a connecting member comprising a housing **50**, a pair of retaining rims **122,124**, and a locking member **54**. The housing **50** has a first end **64** and a second end (opposite the first end). The rims **122,124** extend from the housing **50**. An opening **126** is defined in the housing **50** between the rims **122,124**. The locking member **54** has a tab **56** and a button **52**. the locking member **54** is disposed about the housing **50** between the rims **122,124**.

Applicant is reminded that the first end **64** is configured for connection to a first part and the second end is configured for connection to a second part.

Allowable Subject Matter

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 10, the prior art of record does not disclose or suggest a second button being along a major axis of a second locking member;

regarding claim 13, the prior art of record does not disclose or suggest a second retaining rim, on a housing, including an inwardly depending tab; and,

regarding claim 22, the prior art of record does not disclose or suggest a button being along a major axis of a locking member;

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-5:30. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

June 8, 2005



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